SENATE JOURNAL TENTH DAY

MORNING SESSION

The Senate was called to order at 10:00 a.m., with President Al Mansell presiding.

Roll Call- All Senators present **Prayer** -Craig Peterson, former State Senator

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 8)

COMMUNICATIONS FROM THE HOUSE

Mr. President:

January 23, 2001

The House passed, as amended, **H.B. 58**, SCHOOL UNIFORMS AMENDMENTS, by Representative K. Morgan, and it is transmitted for consideration; and

The House passed **H.B. 199**, TRAFFIC STOP STATISTICS, by Representative D. Bourdeaux, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 58** and **H.B. 199** were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President:

January 23, 2001

The Business, Labor, and Economic Development Committee reports a favorable recommendation on **H.B. 32**, UNAUTHORIZED CHARGES ON UTILITIES - CRAMMING AMENDMENTS, by Representative S. Allen, with the following amendments:

- 1. Page 2, Line 28:
 Bracket "means a company or utility providing:" and insert "is as defined in Section 54-2-1."
- 2. Page 2, Lines 29-31: Delete lines 29 through 31

3. Page 3, Line 66:
After "(d)" insert "except for Subsections (5) and (6),"; and

The Business, Labor, and Economic Development Committee reports a favorable recommendation on **H.B. 59**, WORKERS' COMPENSATION FUND, by Representative K. Garn; and

The Business, Labor, and Economic Development Committee reports a favorable recommendation on **H.B. 65**, DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSURE AMENDMENTS, by Representative J. Seitz, with the following amendments:

- 1. Page 2, Line 38: After line 38 insert "or"
- 2. Page 2, Line 40: Reinstate "with respect" House Floor Amendments 1-17-2001

Dan R. Eastman, Chair; and

Mr. President:

January 23, 2001

Day 10

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on **S.B. 50**, PROPERTY EXEMPT FROM EXECUTION, by Senator C. Walker, with the following amendments:

1. Page 2, Lines 30-31: Delete Lines 30-31; and

The Energy, Natural Resources, and Agriculture Committee reports a favorable recommendation on **H.B. 54**, WILDLIFE - HUNTING AND FISHING FEES, by Representative M. Styler.

Terry R. Spencer, Chair; and

Mr. President:

January 23, 2001

The Education Committee reports a favorable recommendation on **S.B. 7**, STATE TEXTBOOK COMMISSION AMENDMENTS, by Senator D. Steele, et al, with the following amendments:

- 1. Page 2, line 39: After "(3)" delete "(a)"
- 2. Page 2, line 42: Delete "(i)" and insert "(a)"
- 3. Page 2, line 43: Delete "(ii)" and insert ""(b)"

4. Page 2, line 44:
Delete "(iii)" and insert "(c)"

5. Page 2, line 45: Delete "(iv)" and insert "(d)"

6. Page 2, line 46:
Delete "(v)" and insert "(e)"

7. Page 2, lines 47-48: Delete lines 47 and 48

8. Page 2, line 55:
After "(1)" delete "Biannually" and insert "Semi-annually"

9. Page 2, line 55: After "(1)" insert "(a)"

10. Page 2, line 57:

After line 57 insert: "(b) The board shall make a rule in accordance with Title 63. Chapter 46a, Utah Administrative Rulemaking Act, providing for a process to:(i) allow a school district to use or substitute in courses within the state curriculum framework instructional materials not recommended by the commission; and(ii) appeal any recommendation of the commission to the board."

11. Page 2, line 58:
After the word "be," delete "four" and insert "five"

12. Page 3, lines 60-61: Delete lines 60 and 61

13. Page 3, line 62: Remove the brackets from "(3)" and delete "(4)"; and

The Education Committee reports a favorable recommendation on **S.B. 54**, EDUCATION ROUNDTABLE, by Senator D.C. Buttars; and

The Education Committee reports a favorable recommendation on **H.B. 35**, UTAH TECHNOLOGY INFRASTRUCTURE INNOVATION PROGRAM AMENDMENTS, by Representative B. Goodfellow.

Bill Wright, Chair; and

Mr. President:

January 23, 2001

The Transportation and Public Safety Committee recommends **S.B. 26**, MASTER ROAD AMENDMENTS, by Senator P. Knudson, be replaced and favorably recommends **1st Sub. S.B. 26**, MASTER ROAD AMENDMENTS; and

The Transportation and Public Safety Committee reports a favorable recommendation on 1st Sub. H.B. 57, TRAFFIC OFFENSE ADJUDICATION AMENDMENTS, by Representative B. Goodfellow; and

The Transportation and Public Safety Committee reports a favorable recommendation on H.B. 190. ORIGINAL ISSUE LICENSE PLATE AMENDMENTS, by Representative R. Lockhart, with the following amendments:

1. Page 1. Line 14: Delete "1972" and insert "1973"

David H. Steele. Chair

On motion of Senator Poulton, the committee reports were adopted. H.B. 32, as amended, H.B. 59, H.B. 65, as amended, S.B. 50, as amended, H.B. 54, S.B. 7, as amended, S.B. 54, H.B. 35, S.B. 26, 1Sub. H.B. 57, and H.B. 190, as amended, were placed on Second Reading Calendar.

Mr. President:

January 23, 2001

Day 10

The Judiciary Committee reports a favorable recommendation on H.B. 18, INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION, by Representative G. Cox, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 1, Line 12: After "July 1," delete "2002" and insert "2001"

David L. Gladwell. Chair: and

Mr. President:

January 23, 2001

The Transportation and Public Safety Committee reports a favorable recommendation on H.B. 22, SEX OFFENDER LIFETIME REPORTING AMENDMENTS, by Representative D. Bowman, and recommends it be considered read for the second time and placed on the Consent Calendar.

David H. Steele. Chair

On motion of Senator Steele, the committee reports were adopted. **H.B. 18**, as amended, and **H.B. 22** were placed on the Consent Calendar.

INTRODUCTION OF BILLS

ANIMAL FEEDING OPERATION GRANTS

S.B. 66 Leonard M. Blackham

THIS ACT MODIFIES THE AGRICULTURE CODE BY AUTHORIZING THE SOIL CONSERVATION COMMISSION TO MAKE GRANTS TO

OWNERS OR OPERATORS OF ANIMAL FEEDING OPERATIONS FOR PLANS OR PROJECTS TO IMPROVE MANURE MANAGEMENT OR CONTROL SURFACE WATER RUNOFF. THE ACT SPECIFIES CRITERIA TO BE CONSIDERED IN THE AWARDING OF THE GRANTS AND REQUIRES THE SOIL CONSERVATION COMMISSION TO MAKE RULES. THIS ACT APPROPRIATES AN ONGOING APPROPRIATION OF \$500,000 FROM THE GENERAL FUND FOR FISCAL YEAR 2001-02 TO THE DEPARTMENT OF AGRICULTURE AND FOOD FOR GRANTS TO OWNERS OR OPERATORS OF ANIMAL FEEDING OPERATIONS. THIS ACT TAKES EFFECT ON JULY 1, 2001, was read for the first time and referred to the Rules Committee.

EXTENDING CHILD VISITATION FOR DIVORCED FAMILIES

S.B. 147

Terry R. Spencer

THIS ACT MODIFIES THE VISITATION SCHEDULE FOR CHILDREN AGED THREE TO FIVE YEARS BY ALLOWING A NONCUSTODIAL PARENT TO PICK THE CHILD UP FROM DAYCARE FOR A SPECIFIED EVENING VISITATION, was read for the first time and referred to the Rules Committee.

THIRD READING CALENDAR

S.B. 44, COMMISSIONER OF FINANCIAL INSTITUTIONS, was read the third time, explained by Senator Spencer, and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	Walker	Wright
Mansell	•		O

S.B. 44 was transmitted to the House.

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S.B. 95, WORKERS' COMPENSATION ADVISORY COUNCIL AMENDMENTS, was read the third time, explained by Senator Mayne, and passed on the following roll call:

Day 10

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Spencer	Stephenson	Suazo	Waddoups
Walker	Wright	Mansell	-

Absent or not voting were: Senators

Valentine Steele

S.B. 95 was transmitted to the House.

* * *

S.B. 96, COMMERCIAL DRIVERS LICENSE MEDICAL WAIVERS, was read the third time, explained by Senator Mayne, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hale	Hellewell
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting was: Senator

Hickman

S.B. 96 was transmitted to the House.

S.B. 35, PUBLIC EDUCATION CAPITAL OUTLAY ACT AMENDMENTS, was read the third time, explained by Senator Waddoups. President Mansell, Senator Peterson, Blackham, Evans, and Steele commented. The bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting was: Senator

Buttars

S.B. 35 was transmitted to the House.

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S.B. 30, FILING EMPLOYEE TAX INFORMATION ELECTRONICALLY, was read the third time, explained by Senator Steele, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Steele	Stephenson	Suazo	Valentine
Waddoups	Walker	Wright	Mansell

Absent or not voting was: Senator

Spencer

S.B. 30 was transmitted to the House.

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S.B. 21,INFORMATION TECHNOLOGY COMMISSION AMENDMENTS, was read the third time, explained by Senator Steele, and passed on the following roll call:

Day 10

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hale	Hellewell
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Steele
Stephenson	Suazo	Waddoups	Walker
Wright	Mansell		

Absent or not voting were: Senators

Spencer Hickman Valentine

S.B. 21 was transmitted to the House.

* * *

S.B. 41, UTAH COORDINATE SYSTEM AMENDMENTS, was read the third time, explained by Senator Hellewell, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Blackham	Bramble
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Steele
Suazo	Waddoups	Walker	Wright
Mansell	•		J

Absent or not voting were: Senators

Spencer Stephenson **Buttars Valentine**

S.B. 41 was transmitted to the House.

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S.B. 90, VETERANS MEMORIALS ERECTED AND MAINTAINED BY COUNTIES, was read the third time, explained by Senator Davis. Senator Poulton commented. The bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Waddoups	Walker	Wright	Mansell

Absent or not voting was: Senator

Valentine

S.B. 90 was transmitted to the House.

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S.B. 98, LOCATING TELECOMMUNICATIONS FACILITIES, was read the third time, explained by Senator R. Allen, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hale	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Waddoups
Walker	Wright	Mansell	_

Absent or not voting were: Senators

Hellewell Valentine

S.B. 98 was transmitted to the House.

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S.B. 48, PASSENGER LIMITATIONS FOR YOUNG DRIVERS, was read the third time, explained by Senator Hale.

On motion of Senator Wright, the bill was amended as follows:

1. Page 1, Line 24,:

Senate Committee Amendments 1-22-2001: Delete "or" and after line 24 insert: (b) on assignment of a farmer or rancher and the driver is engaged in an agricultural operation; or"

Day 10

2. Page 1, Line 25,:

Senate Committee Amendments 1-22-2001:

Delete "(b)" and insert "(c)"

Senator Blackham, Knudson, Bramble, and Spencer commented. The bill passed on the following roll call:

Yeas, 23; Nays, 5; Absent, 1.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Steele	Suazo
Waddoups	Walker	Mansell	

Voting in the negative were: Senators

Blackham Spencer Hellewell Stephenson Wright

Absent or not voting was: Senator

Valentine

S.B. 48 was transmitted to the House.

S.B. 28. UTAH PERFORMANCE ASSESSMENT FOR STUDENTS AMENDMENTS, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander

Knudson Mayne Peterson Poulton Spencer Steele Stephenson Suazo Waddoups Walker Wright Mansell

Absent or not voting was: Senator

Valentine

S.B. 28 was transmitted to the House.

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On motion of Senator Knudson, a bill file for a concurrent resolution is authorized to be opened on behalf of the Department of Transportation.

SECOND READING CALENDAR

H.B. 20, STATE SYMBOL RECODIFICATION, was read the second time. Senator Knudson explained the bill. Senator Hickman commented. The bill passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Gladwell	Hale	Hickman	Hillyard
Jenkins	Julander	Knudson	Mayne
Peterson	Poulton	Spencer	Steele
Stephenson	Waddoups	Walker	Wright
Mansell	-		

Absent or not voting were: Senators

Evans Hellewell Suazo Valentine

* * *

H.B. 16, ELECTRONIC GOVERNMENT SERVICES AMENDMENTS - ENVIRONMENTAL QUALITY, was read the second time. Senator Steele explained the bill. The bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman

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Evans	Gladwell	Hale	Hickman
Hillyard	Jenkins	Julander	Knudson
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Waddoups	Walker
Wright	Mansell	-	

Absent or not voting were: Senators

Hellewell Mayne Valentine

* * *

H.B. 17, ELECTRONIC GOVERNMENT SERVICES AMENDMENTS - NATURAL RESOURCES, was read the second time. Senator Steele explained the bill. Senators commented. The bill passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hale	Hickman
Jenkins	Julander	Knudson	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Waddoups	Walker	Wright
Mansell	•		O

Absent or not voting were: Senators

Hellewell Hillyard Mayne Valentine

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S.B. 17, HIGHWAY CONSTRUCTION BID LIMIT, was before the Senate. Senator Knudson explained the bill.

On motion of Senator Knudson, the bill was amended as follows:

1. Page 2, Line 28:

After line 28 insert:

- "(4) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the department shall establish procedures for:
 (a) hearing evidence that a region within the department violated this section; and
- (b) administering sanctions against the region if the region is found in violation."

Senators Waddoups, Eastman, and Steele commented. The bill passed on the following roll call:

Yeas, 26; Nays, 3; Absent, 0.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Steele	Suazo	Valentine	Waddoups
Walker	Mancall		•

Walker Mansell

Voting in the negative were: Senators

Jenkins Stephenson Wright

COMMUNICATIONS FROM THE HOUSE

Mr. President:

January 24, 2001

The House passed, S.B. 6, REPEAL OF 1933 UTAH CODE REVISION STATUTES, by Senator M. Peterson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 9, REPEAL OF AUTHORIZATION FOR CONSTRUCTION OF CERTAIN FACILITIES COMPLETED, by Senator B. Evans, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 10, SUNSET REAUTHORIZATIONS, by Senator M. Peterson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 13, REPEAL OF ATTORNEYS AND COUNSELORS PROVISIONS, by Senator T. Spencer, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 14**, ACCOUNTS OF POLITICAL SUBDIVISIONS - REPEAL, by Senator T. Spencer, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 18**, REPEAL OF DEFINITION OF LAW, by Senator T. Spencer, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 99, REVISOR'S STATUTE, by Senator M. Waddoups, et al, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.J.R. 4, JOINT RULES RESOLUTION - REVISIONS TO APPROPRIATIONS SUBCOMMITTEES, by Senator M. Waddoups, et al, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

Communications filed. S.B. 6, S.B. 9, S.B. 10, S.B. 13, S.B. 14, S.B. 18, S.B. 99, and S.J.R. 4 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President:

January 24, 2001

Day 10

The House passed, as amended, H.B. 202, 511 COMMUNICATIONS SYSTEM, by Representative M. Dillree, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. H.B. 202 as amended, was read the first time and referred to the Rules Committee.

SECOND READING CALENDAR

On motion of Senator Waddoups, under suspension of the rules, S.R. 2,SENATE RULES RESOLUTION - USE OF MASON'S MANUAL, was read the second and third times. Senator Waddoups explained the bill. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

0			
E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Mayne	Peterson	Poulton	Spencer
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	_

Absent or not voting were: Senators

Blackham Steele

S.R. 2 was transmitted to the House.

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On motion of Senator Waddoups, under suspension of the rules, **H.J.R. 5**,RESOLUTION - REFERENCE TO MASON'S MANUAL, was read the second and third times. Senator Waddoups explained the bill. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Bramble	Buttars
Davis	Dmitrich	Eastman	Evans
Gladwell	Hale	Hellewell	Hickman
Hillyard	Jenkins	Julander	Knudson
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Walker	Wright	Mansell	•

Absent or not voting were: Senators

Blackham Mayne

H.J.R. 5, was signed by the President of the Senate in open session and returned to the House.

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On motion of Senator Poulton and at 11:40 a.m., the Senate adjourned until 10:00 a.m., Thursday, January 25, 2001.

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Amenc H.B. 35 UTAH TECHN Read f Assign
H.B. 41 FIRE PREVEN Read f Assign
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Sub. H.B. 53 OLD IRON TOWN STATE PARK (D. Bowman)
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